IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.5626 of 2004

Dated: October 10, 2006

Between:

Pragathi Gurukula Vidyalaya, Khanapur,
Hanumakonda, Warangal District, rep.
By its Correspondent Sri Suryaprkash Rao.

… Petitioner

And

The Government of Andhra Pradesh, rep. by its
Secretary, Education Department, Secretariat,
Hyderabad, and others.

… Respondents

Order:

This Writ Petition has been filed seeking Mandamus to declare proceedings of the second respondent dated 05-02-2004 issued in R.C.No.2001/B3.2/2003 as arbitrary and illegal.

2. Heard learned counsel for the petitioner and learned Government Pleader for School Education appearing for the respondents.

3. The case of the petitioner, an aided school, is that it has appointed teaching staff in un-aided posts after obtaining permission from the competent authority. It is stated that the petitioner-school has forwarded proposals to the District Educational Officer to admit the said posts into grant-in-aid. By the impugned proceedings, the said proposals were rejected on the ground that the petitioner-school has not obtained approval from the competent authority before making appointments in un-aided posts.

4. It is stated that the association comprising different schools has submitted a representation to the Government and basing on the same, a report was called for from the Commissioner and Director of School Education. Thereafter, a decision was taken to consider the said proposals for admission of posts into grant-in-aid without insisting for approval of the appointments in un-aided posts.

5. Learned counsel for the petitioner would contend that in view of the orders issued in G.O.Ms.No.365 dated 10-10-1994, the petitioner-school is entitled for admission of posts which were proposed for grant-in-aid though no approval has been obtained from the competent authority while filling up such posts.

6. However, it is to be seen that in the said G.O., while accepting the proposals of the Director of School Education, in the reference 3rd cited, orders were issued with regard to 31 schools in various districts as shown in Annexure – I. However, the petitioner-school does not figure in the said Annexure. In the said G.O., no decision, in general, has been taken to consider the proposals of all the institutions, where approval of the competent authority was not

obtained while filling up un-aided posts, for their admission into grant-in-aid.

7. In that view of the matter, I find no merit in the contention of the learned counsel for the petitioner that in view of the aforesaid G.O., petitioner-school is entitled for admission of posts into grant-in-aid though they were filled up without approval of the competent authority. As much as it is not in dispute that there was no approval by the competent authority to fill up the un-aided posts, no direction as sought for can be given.

8. The Writ Petition is devoid of merits and is accordingly dismissed. However, if the Government takes a decision to consider the proposals for admission of un-aided posts into grant-in-aid, in general, even though there is no approval from the competent authority, petitioner would not be precluded to submit fresh proposals and it is open for the respondents to consider such proposals if any submitted. No order as to costs.

JUSTICE R. SUBHASH REDDY.

October 10, 2006
MRR